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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,041	09/18/2000	Harris A. Reynolds JR.	09432/130001	5162

22511 7590 11/18/2002

ROSENTHAL & OSHA L.L.P.  
1221 MCKINNEY AVENUE  
SUITE 2800  
HOUSTON, TX 77010

EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

6

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-6

<b>Office Action Summary</b>	<b>Application No.</b> 09/664,041	<b>Applicant(s)</b> REYNOLDS ET AL.	
	<b>Examiner</b> George R. Koch III	<b>Art Unit</b> 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-60 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                            | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 41-50, drawn to a method of making a wound fiber reinforced article, classified in class 156, subclass 64 and 166.
  - II. Claims 1-40, 51-60, drawn to a system for winding fibers, classified in class 156, subclass 350 and 425.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used for tape wrapping, or for manufacturing items which do not require an article (making an item with the underlying article, i.e. completely out of fibers).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. This application contains claims directed to the following groups of patentably distinct species of the claimed invention:

In Group I (apparatus claims) - the following groups of species have been claimed.

Group I, Species A1 - wherein the proximity sensor for generating a signal corresponding to an axial position of the article is a magnetic sensor.

Group I, Species A2 - wherein the proximity sensor is a capacitive sensor.

Group I, Species A3 - wherein the proximity sensor is a gamma ray transmission sensor.

Group I, Species B1 - wherein the torque sensor operatively coupled to a motor adapted to rotate said winding station is an element rotationally connected to the motor.

Group I, Species B2 - wherein the torque sensor is a current sensor.

Group I, Species C1 - wherein the brake is an air brake.

Group I, Species C2 - wherein the brake is a magnetic brake.

Group I, Species D1 - wherein the torsional resonance sensor adapted to detect torsional resonance in said winding station is a current sensor.

Group I, Species D2 - wherein the torsional resonance sensor is a torque sensor.

Group I, Species D3 - wherein the torsional resonance sensor is a rotational sensor.

Group I, Species E1 - wherein the axial resonance sensor adapted to detect resonance in the axial motion of the article is a current sensor.

Group I, Species E2 - wherein the axial resonance sensor is a torque sensor.

Group I, Species E3 - wherein the axial resonance sensor is an axial motion sensor.

In Group II (method claims) - the following groups of species have been claimed.

Group II, Species F1 - wherein the controlled rotational speed is selected to provide a helical wind pattern to said fibers having a lay angle within a tolerance of  $\frac{1}{2}$  a degree.

Group II, Species F2 - wherein the controlled rotational speed is selected to provide a helical wind pattern to said fibers having a lay angle corresponding to an axial position of said article in the winding station.

Group II, Species G1 - wherein the method of detecting torsional oscillations in the measured rotational speed and adjusting the rotational speed to minimize the oscillations detects torsional oscillation components in a current draw of a motor.

Group II, Species G2 - wherein the method detects torsional oscillation components in a spectral analysis.

Applicant is required under 35 U.S.C. 121, for each set of species, to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-8, 12, 13, 18-23, 27, 31-32, 35-37, 51, 52, and 56-60 are generic among the apparatus (Group I) while claims 41, 44-48 are generic among the method (Group II).

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (703) 305-3435 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



George R. Koch III  
November 14, 2002



RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700